HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.1294 OF 2006

Between:

Veera Shiva Lingayath Samaj
. . .Appellant

AND

The State of Andhra Pradesh
and others
. . .Respondents

:: JUDGMENT ::

Counsel for the Appellant : Shri K.Ramakrishna Reddy
assisted by
Shri A.Sudarshan Reddy

Counsel for Respondent Nos.1 to 3 : Government Pleader for
Revenue

Counsel for Respondent No.5 : Shri S.Niranjan Reddy

8th December, 2006

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PER G.S.SINGHVI, CJ

This is an appeal for setting aside order dated 3-8-2006 passed by the learned Single Judge whereby he rejected the appellant's challenge to notice dated 10.11.2000 issued by Joint Collector, Ranga Reddy District under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the 1905 Act') by observing that the writ petition would not lie against the show cause notice.

Shri K.Ramarkrishna Reddy, learned Senior Counsel appearing for the appellant very fairly stated that the reason assigned by the learned Single Judge for not entertaining the writ petition filed by his client against the show cause notice cannot be termed as totally irrelevant, but submitted that his client has a genuine apprehension that the officer concerned would not entertain objection to his own jurisdiction to initiate proceedings under the 1905 Act. Learned Counsel submitted that the Court may direct the Joint Collector concerned to entertain and decide all the objections which the appellant may take in reply to the show cause notice.

Learned Government Pleader for Revenue appearing for respondent Nos.1 to 3 and Shri S.Niranjan Reddy for respondent No.5 say that they do not have any objection, if a direction is given by the Court to the Joint Collector to consider and decide the objections, which may be raised by the appellant in response to the show cause notice.

In view of the fair statements made by the learned counsel for the parties, the appeal is disposed of with the following directions:

i) within two weeks from today, the appellant shall submit all its objections to the show cause notice;

ii) within next six weeks, the concerned authority shall hear the parties and pass appropriate order in accordance with law by duly considering the objections which may be raised by the appellant including the one relating to jurisdiction of the officer concerned.

As a sequel to disposal of the main appeal, W.A.M.P.No.2734 of 2006 filed by the appellant for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Date: 08.12.2006

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